

#### UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P. O. Box 1450 Alexandria, VA 22313-1450

FOLEY & LARDNER SUITE 500 3000 K STREET, NW WASHINGTON, DC 20007-5143

COPY MAILED

SEP 1 0 2003

In re Application of

Jonathan Richard Anthony Roffey et al

Application No. 10/009,567

Filed: April 5, 2002

Attorney Docket No. 040283-0196

OFFICE OF PETITIONS

**NOTICE** 

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby ACCEPTED.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center 1600.

Irvin Dingle

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy



Atty. Dkt. No. 040283-0196

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Jonathan Richard Anthony ROFFEY et

al.

Title:

Condensed Indoline Derivatives and

their use as 5HT, in particular 5HT2C,

Receptor Ligands

Appl. No.:

10/009,567

Filing Date:

04/05/2002

Examiner:

Rebecca L. Anderson

Art Unit:

1626

#### STATEMENT AND SUBMISSION OF FEES UNDER 37 C.F.R. § 1.28(c)

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

Small entity status was established in the above-identified application in good faith and fees as a small entity have been paid in good faith. It has now been discovered that small entity status was established in error. In accordance with 37 C.F.R. § 1.28(c), Applicants submit herewith the fees owed to the U.S. Patent and Trademark Office. The table below lists the fees paid and the amount owed to the U.S. Patent and Trademark Office. The TOTAL AMOUNT DUE is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any over payment to Deposit Account No. 19-0741.

08/26/2003 SLUANG1 00000002 10009567

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565,00 OP

Date Paid	Fee Description	Small Entity Fee Paid	Current Large Entity Fee	Deficient Payment Owed to US PTO
12/12/01	Basic National Fee (37 CFR 1.492(a)(1)-(5) Search Report has been prepared by the EPO or JPO	\$ 445.00	\$ 900.00	\$ 455.00
12/12/01	Excess of Twenty Claims (x4)	\$ 36.00	\$ 72.00	\$ 36.00
04/04/02	Surcharge for Missing Requirements	\$ 65.00	\$ 130.00	\$ 65.00
07/07/03	One Extra Claim	\$ 9.00	\$ 18.00	\$ 9.00
	Total Amount Due U.S. Patent	and Trademark	Office	\$565.00

A Notification under 37 C.F.R. § 1.28(c) is being filed concurrently with the Statement. All fees subsequent to this document will be paid at the other than small entity rate. Applicants respectfully request that this error be excused.

Respectfully submitted,

By Muene D. Kann

Michael D. Kaminski

Attorney for Applicant

Registration No. 32,904

**FOLEY & LARDNER** Washington Harbour 3000 K Street, N.W., Suite 500 Washington, D.C. 20007-5143 Telephone:

Facsimile:

(202) 672-5490

(202) 672-5399



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan Richard Anthony

ROFFEY et al.

Title:

Condensed Indoline Derivatives

and their use as 5HT, in particular 5HT2C, Receptor

Ligands

Appl. No.:

10/009,567

Filing

04/05/2002

Date:

Examiner:

Rebecca L. Anderson

Art Unit:

1626

# NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER 37 C.F.R. § 1.28(c)

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

Applicants, hereby notify the U.S. Patent and Trademark Office that small entity status is no longer being claimed in the above-identified application. Accordingly, all fees subsequent to this document will be paid at the non-small entity rate. Also submitted concurrently herewith is a Statement under 37 C.F.R. § 1.28(c) along with the appropriate fees due to the U.S. Patent and Trademark Office.

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be

#### Atty. Dkt. No. 040283-0196

enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 25,2003

FOLEY & LARDNER Washington Harbour 3000 K Street, N.W., Suite 500 Washington, D.C. 20007-5143

Telephone: (202) 672-5490 Facsimile: (202) 672-5399

By Michael O. Kammei

Michael D. Kaminski Attorney for Applicant Registration No. 32,904

## Foley & Lardner

3000 K Street N.W., Suite 500 Washington, D.C. 20007 PH. (202) 672-5300



December 12, 2001

**No.** 17397

PAY ONLY

**AMOUNT** \*\*\*\*\*\$481.00

FOUR HUNDRED EIGHTY-ONE AND

PAY TO THE

COMMISSIONER OF PATENTS & TRADEMARKS

ORDER OF

040283-0196 Jonathan Richard Anthony ROFFEY et al ADST PCT Natl Stage, PreAmd

SUN TRUST BANK ALEXANDRIA, VIRGINIA



	M PTO-1390 ( 5-93)	Modified)	U.S. DEPARTMENT OF	COMMERCE PATENT AND TRADEMARK OFFIC	Ē	ATTORNEY'S DOCKET NUMBER
(KEV		NSN	IITTAL LETTER T	O THE UNITED STATES		040283-0196
	D	ESIG	NATED/ELECTE	O OFFICE (DO/EO/US)		* • *
	- C	ONC	ERNING A FILING	UNDER 35 U.S.C. 371		
		*				CATION NO. (If known, see 37 C.F.R. 1.5) ssigned
				INTERNATIONAL FILING DATE	PRIORI	TY DATE CLAIMED
	PCT/GB0 LE OF IN			August 4, 2000	Aug	ust 11, 1999
	CONDEN	ISED II	NDOLINE DERIVATIVES	S AND THEIR USE AS 5HT, IN PA	RTICUL	AR 5HT2C, RECEPTOR LIGANDS
			R DO/EO/US d Anthony ROFFFY Jar	mes Edward Paul DAVIDSON, Hov	ward Lan	gham MANSELL, Richard John HAMLYN
	and David	d Regin	ald ADAMS			
Apr			·			the following items and other information:
1.	$\boxtimes$	This is	s a FIRST submission of	items concerning a filing under 35	U.S.C. 3	71.
2.		This is	s a SECOND or SUBSEC	QUENT submission of items conce	rning a f	iling under 35 U.S.C. 371.
3.	$\boxtimes$					. 371(f)) at any time rather than delay . 371(b) and PCT Articles 22 and 39(1).
4.	$\boxtimes$		per Demand for Internation	onal Preliminary Examination was	made by	the 19 <sup>th</sup> month from the earliest claimed
5.	$\boxtimes$	A cop	y of the International App	olication as filed (35 U.S.C. 371(c)(	2))	
	_		is transmitted herewith	(required only if not transmitted by		national Bureau).
		$\boxtimes$		y the International Bureau.	totos De	aciving Office (DO/US)
	Ċ	LJ		pplication was filed in the United S		, ,
6. 7.				al Application into English (35 U.S. he International Application under		
/	$\boxtimes$	Amen		n (required only if not transmitted b		
				by the International Bureau.	,	
				owever, the time limit for making su	uch amei	ndments has NOT expired.
		$\boxtimes$	have not been made ar	nd will not be made.		
8.		A tran	slation of the amendmer	nts to the claims under PCT Article	19 (35 U	I,S.C. 371(c)(3)).
9.		An oa	th or declaration of the ir	ventor(s) (35 U.S.C. 371(c)(4)).		
10.		A tran 371(c)		the International Preliminary Exan	nination I	Report under PCT Article 36 (35 U.S.C.
11.	$\boxtimes$	Applic	cant claims small entity	status under 37 CFR 1.27 .		
Iten	ns 12. to 1	7. belo	w concern other docume	ent(s) or information included:		-
12.		An Inf	ormation Disclosure Stat	ement under 37 CFR 1.97 and 1.9	8.	
13.		An as	signment document for r	ecording. A separate cover sheet	in compli	ance with 37 CFR 3.28 and 3.31 is included.
14.	$\boxtimes$	A FIR	ST preliminary amendme	ent.		
		A SEC	COND or SUBSEQUENT	preliminary amendment.		1
15.	$\boxtimes$	A Con	rected Version of Publish	ned Text.		
16.		A cha	nge of power of attorney	and/or address letter.		
17.		Other	items or information: App	plication Data Sheet		



U.S. APPLICATION NO. Unassigned	(If known, see 37 C.F.R. 1	.50	INTERNATION PCT/G		APPLICATION I /03008	VO.			040283-0196	NUMBER	₹
18. ⊠The follow	ing fees are subm	itted:			*			-	CALCULATION	SNC	PTO USE ONLY
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3000 K	Street, N.W., S	Suite 50	00			NAME	BERN	HARD	D. SAXE		
Washing	gton, D.C. 200	07-514	13								
						REGIS	STRATION	NUME	BER 28,665		

## Foley & Lardner

3000 K Street N.W., Suite 500 Washington, D.C. 20007 PH. (202) 672-5300



April 4, 2002

**No.** 20089

PAY ONLY

**AMOUNT** 

\*\*\*\*\*\*\$65.00

SIXTY-FIVE AND 00/100 DOLLARS\*\*\*

PAY TO THE ORDER OF

COMMISSIONER OF PA

NER OF PATENTS

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040283-0196 10/009,567

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Missing parts surcharge

SUN TRUST BANK ALEXANDRIA, VIRGINIA



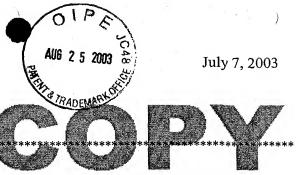
ROMENT OF COMME FORM PTO-1390 (Modified) CE PATENT AND TRADEMARK OFFICE (REV 5-93) TRANSMITTAL LETTER TO THE UNITED STATES 040283-0196 DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/009,567 INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED PCT/GB00/03008 08/04/2000 08/11/1999 TITLE OF INVENTION Condensed Indoline Derivatives and their use as 5HT, in particular 5HT2C, Receptor Ligands APPLICANT(S) FOR DO/EO/US Jonathan Richard Anthony ROFFEY, James Edward Paul DAVIDSON, Howard Langham MANSELL, Richard John HAMLYN and David Reginald ADAMS Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.  $\boxtimes$ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (required only if not transmitted by the International Bureau), has been transmitted by the International Bureau. is not required, as the application was filed in the United States Receiving Office (RO/US) A translation of the International Application into English (35 U.S.C. 371(c)(2)). Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) are transmitted herewith (required only if not transmitted by the International Bureau), have been transmitted by the International Bureau. have not been made; however, the time limit for making such amendments has NOT expired. have not been made and will not be made. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).  $\boxtimes$ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (5 pgs.). 10. 🔲 A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 11. 🖂 Applicant claims small entity status under 37 CFR 1.27 Items 12. to 17. below concern other document(s) or information included: 12. 🛛 An Information Disclosure Statement under 37 CFR 1.97 and 1.98 with Form PTO/SB/08 and 11 references. 13. 🔲 An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 14. □ A FIRST preliminary amendment. A SECOND or SUBSEQUENT preliminary amendment. 15. 🗆 A substitute specification. 16. A change of power of attorney and/or address letter. 17. 🗆 Other items or information: Notice of Missing Requirements (2 pgs.).



	known, see 37 C.F.R. 17	-	PC	T/GB00	O3008	VO.		ATTORNEY'S DOCKET NUMBER 040283-0196	र		
18. The following	g fees are submi	tted:						CALCULATIONS	PTO USE ONLY		
Search Repor	al Fee (37 CFR 1 rt has been prep	ared i	by the EPO or				\$890.00				
(37 CFR 1.48	preliminary exam (2)										
but internation	nal preliminary ex nal search fee pa	id to	USPTO (37 C	FR 1.44	5(a)(2)				•		
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	preliminary exam s satisfied provisi	ons o	f PCT Article	33(2)-(4)	·		\$100.00				
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Independent Claims		-	3	=	0	×	\$84.00	\$0.00			
Multiple dependen	t claim(s) (if appl		1				\$280.00				
			OTAL OF A	BOVE	CALCU	LAT	IONS =	\$130.00			
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### Foley & Lardner

3000 K Street N.W., Suite 500 Washington, D.C. 20007 PH. (202) 672-5300



No. 29939

PAY ONLY **AMOUNT** 

\*\*\*\*\*\*\$9.00

NINE AND 00/100 DOLLARS\*\*\*\*

PAY TO THE

DIRECTOR OF U.S. PATENT & TRADEMARK OFFICE

ORDER OF

040283-0196

10/009,567 ROFFEY et al.

MDKA

MB

1 Addtl. claim

SUN TRUST BANK ALEXANDRIA, VIRGINIA



Applicant:

Jonathan Richard Anthony ROFFEY et

al.

Title:

Condensed Indoline Derivatives and

their use as 5HT, in particular 5HT2C,

Receptor Ligands

Appl. No.:

10/009,567

Filing Date:

04/05/2002

Examiner:

Rebecca L. Anderson

Art Unit:

1626

#### **AMENDMENT TRANSMITTAL**

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

- [X] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a Small Entity statement previously submitted.
- [ ] Small Entity statement is enclosed.
- [X] The fee required for additional claims is calculated below:

	Claims as Amended		Previously Paid For		Extra Claims Presen	S	Rate	* *	Additional Claims Fee
Total Claims:	25		24	=	1	х	\$18.00	=	\$18.00
Independents:	1	_	3	=	0	x	\$84.00	=	\$0.00
First presentation	on of any M	ultiple	e Dependen	t Cla	ims:	+	\$280.00	=	\$0.00
						CLAIMS	FEE TOTAL:	=	\$18.00

Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

\$0.00	\$110.00	Extension for response filed within the first month:	[]
\$0.00	\$410.00	Extension for response filed within the second month:	[]
\$0.00	\$930.00	Extension for response filed within the third month:	[ ]
\$0.00	\$1,450.00	Extension for response filed within the fourth month:	[]
\$0.00	\$1,970.00	Extension for response filed within the fifth month:	[ ]
\$0.00	FEE TOTAL:	EXTENSIO	
\$0.00	\$55.00	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	[]
\$18.00	R FEE TOTAL:	CLAIMS, EXTENSION AND DISCLAIME	
\$9.00	½ of above):	Small Entity Fees Apply (subtract	[ X ]
\$9.00	TOTAL FEE:		

- [ ] Please charge Deposit Account No. 19-0741 in the amount of \$9.00. A duplicate copy of this transmittal is enclosed.
- [X] A check in the amount of \$9.00 is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date July 7, 2003

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Matthew E. Mulkeen Registration No. 44,250



Title: Condensed Indoline Derivatives and their use as 5HT, in particular 5HT2C,

Receptor Ligands

Inventor(s): Jonathan Richard Anthony ROFFEY et al.Dkt. No. 040283-0196

Appl. No.: 10/009,567 MDKA (7/7/03)

Amendment Transmittal (2 pgs.);

Amendment and Response to Restriction Requirement (5 pgs.);

Appendix I (Copy of US 6,500,866);

Appendix II (Copies of references mentioned in Table 1);

Check Number 29939 for \$9.00.

Commissioner for Patents:

Please acknowledge receipt of the above-identified documents by applying the U.S. Patent and Trademark Office receipt stamp hereto and mailing this card.

Date Filed: July 7, 2003

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Respectfully, Foley & Lardner MDKA/MEMU:mb Inspected by:*上段*川